

Senate Bill No. 1725

Passed the Senate August 29, 2006

Secretary of the Senate

Passed the Assembly August 22, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 3017 of the Elections Code, relating to absentee ballots.

LEGISLATIVE COUNSEL'S DIGEST

SB 1725, Bowen. Absentee ballots: online information.

(1) Existing law requires an elections official to count only those absentee ballots returned by mail that are received by the elections official or delivered to a polling place by the close of the polls on the day of the election that contain specified information. Existing law also requires the elections official to establish procedures to ensure the secrecy of any absentee ballot returned to a precinct polling place.

This bill would require an elections official, on or before March 1, 2008, to establish procedures to track and confirm the receipt of voted absentee ballots and to make this information available by means of online access using the county's elections division Internet Web site, or if none is available, by means of a toll-free telephone number for this purpose.

The bill would require the elections official to establish procedures to ensure the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used in tracking absentee ballots. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 3017 of the Elections Code is amended to read:

3017. (a) All absentee ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the absent voter shall do either of the following: (1) return the ballot by mail or in person to the elections official from whom it came or (2) return the ballot in person to any member of a precinct board at any polling place within the jurisdiction. However, an absent voter who, because of illness or other physical disability, is unable to return the ballot, may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the absent voter to return the ballot to the elections official from whom it came or to the precinct board at any polling place within the jurisdiction. The ballot must, however, be received by either the elections official from whom it came or the precinct board before the close of the polls on election day.

(b) The elections official shall establish procedures to ensure the secrecy of any ballot returned to a precinct polling place and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used pursuant to this section.

(c) On or before March 1, 2008, the elections official shall establish procedures to track and confirm the receipt of voted absentee ballots and to make this information available by means of online access using the county's elections division Internet Web site. If the county does not have an elections division Internet Web site, the elections official shall establish a toll-free telephone number that may be used to confirm the date a voted absentee ballot was received.

(d) The provisions of this section are mandatory, not directory, and no ballot shall be counted if it is not delivered in compliance with this section.

(e) Notwithstanding subdivision (a), no absent voter's ballot shall be returned by any paid or volunteer worker of any general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest

the individual designated to return the ballot is performing a service. However, this subdivision shall not apply to a candidate or a candidate's spouse.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2006

Governor